
ENVIRONMENTAL Fact Sheet



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Treating Hazardous Waste Immediately After Generation

Certain industries in New Hampshire only have one hazardous waste stream. When that waste stream is a corrosive hazardous waste, the facility may choose to neutralize it onsite. This fact sheet is written with those industries in mind but can apply to any hazardous waste generator (generator) that treats their own hazardous waste onsite in compliance with the New Hampshire Hazardous Waste Rules (rules).

General Rule Change Overview

In the rules effective November 23, 2019, NHDES addressed situations in which hazardous waste is generated and immediately treated in an elementary neutralization unit (ENU), wastewater treatment unit (WWTU) or totally enclosed treatment facility (TETF). Specifically, Env-Hw 503.03 allows generators, when determining the quantity of hazardous waste they generate on-site, to exclude hazardous waste that is managed immediately upon generation in their own on-site ENU, WWTU, or TETF. In this context, “managed immediately upon generation” is defined in Env-Hw 503.03(b) as follows: “Treatment begins within 24 hours after the hazardous waste is generated and: (1) Treatment is conducted in the tank, tank system, or container in which the hazardous waste was generated; (2) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the treatment unit without intermediate accumulation of the hazardous waste; or (3) The hazardous waste is transferred directly from the container in which it was generated into the treatment unit without intermediate accumulation of the hazardous waste.”

Newly adopted Env-Hw 501.02(h) reads: “A generator who manages all hazardous waste in accordance with Env-Hw 503.03, and as a result generates no waste that counts toward generator classification, shall not be subject to the requirements in Env-Hw 500 except those specified in Env-Hw 501, Env-Hw 502, and Env-Hw 503.03.” Env-Hw 501, 502, and 503.03 pertain to applicability, exemptions, definitions, hazardous waste determinations, and classification calculation and would still apply to the generator. The remaining requirements of Env-Hw 500 would not apply, including notification, obtaining an EPA identification number, certification requirements, etc.

Guidance Specifically for Corrosive Waste

This rule change allows for generators who solely generate corrosive wastes to neutralize all corrosive waste immediately in an ENU without having to notify as a hazardous waste generator. A corrosive hazardous waste is defined in Env-Hw 403.04 and in this context, would generally be a wastewater with a pH less than or equal to 2 or greater than or equal to 12.5.

An ENU is defined in Env-Hw 103.39 as “a device that: (a) Is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in Env-Hw 403 or are listed in Env-Hw 402 only for this reason; and (b) Meets the definition of tank, tank system, container, transport vehicle, or vessel in Env-Hw 103 or Env-Hw 104.”

Considerations

Some situations that could prevent a generator from using the exemption in Env-Hw 501.02(h) to reduce their regulatory obligations include:

1. Storing the waste prior to treating it (i.e., not treating immediately, left untreated for over 24 hours);
2. Treating the waste in something other than an ENU, WWTU or TETF; or
3. Conveying corrosive waste from a tank to an ENU without the use of permanent piping (e.g., pouring the contents of a process tank into a bucket or tote or pouring the contents of a process tank onto the floor that drains to a floor trench).

Please note that a generator who is not able to treat the waste within 24 hours or is otherwise unable to meet all the requirements in Env-Hw 503.03 must count the waste toward its generator classification and comply with all applicable requirements. In addition, a permit for the treatment process might be required. Please contact us as specified below for additional guidance.

Examples

1. A brewery only generates a corrosive spent cleaning solution with a pH above 12.5 and no other hazardous wastes. If the brewery immediately neutralizes the corrosive spent cleaning solution, they would only have to comply with Env-Hw 501, Env-Hw 502, and Env-Hw 503.03 (applicability, hazardous waste determination and generator status determination).
2. A laboratory generates waste corrosive samples with a pH below 2. If these samples are immediately neutralized in accordance with the rules, and are only hazardous for corrosivity, the waste samples would not count toward their generator status. However, if the laboratory also generates spent ignitable solvents, waste containing regulated metals, or other hazardous waste, those other waste streams could continue to count toward their generator status and they could have to comply with all applicable requirements.

For More Information

For more information, please contact the NHDES Hazardous Waste Management Bureau Permit Engineer at hwpermits@des.nh.gov or (603) 271-5328. A list of registered New Hampshire hazardous waste transporters, laboratories that can perform the chemical analyses necessary for a hazardous waste determination, copies of other fact sheets, and the Hazardous Waste Rules are available on the NHDES website at www.des.nh.gov.